



Administrative Review Tribunal (Use of Generative AI) Practice Direction 2026¹

I, the Hon Justice Hon Justice Emiliios Kyrou AO, President of the Administrative Review Tribunal, make the following Practice Direction.

Dated: 20 August 2026

THE HON JUSTICE EMILIOS KYROU AO
President, Administrative Review Tribunal

¹ This Practice Direction has been adapted from the Federal Court of Australia *Use of Generative Artificial Intelligence Practice Note (GPN-AI)* dated 16 April 2026, with the kind permission of the Chief Justice of the Court.

Table of Contents

Part 1. Preliminary	1
Definitions	3
Part 2. Tribunal's approach and expectations	3
Part 3. Specific instances where caution is necessary	4
Statements of Facts Issues and Contentions, written submissions and other documents or information provided to the Tribunal	5
Statutory declarations, expert reports and other evidentiary materials	6
Dealing with confidential or restricted information	7
Part 4. Link to resources that may be of assistance	8

Part 1. Preliminary

- 1.1 This Practice Direction is made under section 36(1) of the *Administrative Review Tribunal Act 2024* (Act).
- 1.2 This Practice Direction is arranged as follows:
 - (a) Part 1 – Preliminary.
 - (b) Part 2 – Tribunal’s approach and expectations.
 - (c) Part 3 – Specific instances where caution is necessary.
 - (d) Part 4 – Link to resources that may be of assistance.
- 1.3 This Practice Direction commences and has effect from the date it is signed. This Practice Direction applies to all applications whether lodged before, on or after this date, and remains in effect until it is superseded or revoked.
- 1.4 This Practice Direction applies to applications for review of decisions made to the Tribunal and the conduct of proceedings in all jurisdictional areas of the Tribunal, except where stated otherwise.

Note 1: This Practice Direction concerns the use of Generative AI (as defined in paragraph 1.12, below) in documents, information, submissions and evidence provided to the Tribunal in connection with proceedings. It does not apply to the use of Generative AI in the internal administration of the Tribunal.

Note 2: A jurisdictional area of the Tribunal may supplement this Practice Direction through directions, initial letters, or standard correspondence. This Practice Direction does not set out jurisdiction specific requirements.
- 1.5 This Practice Direction applies to all persons involved in proceedings in the Tribunal.

Note: The expression ‘persons involved in proceedings in the Tribunal’ is defined in paragraph 1.12, below. Persons involved in proceedings in the Tribunal are usually involved by appearing before the Tribunal (whether in person, by video, by audio or by a combination of these methods) or by providing documents to the Tribunal.
- 1.6 The purpose of this Practice Direction is to provide guidance on the use of Generative AI in Tribunal proceedings, including guidance on:
 - (a) the Tribunal’s expectations of all persons involved in proceedings in the Tribunal, specifically as they concern Generative AI;
 - (b) the considerations that the Tribunal may take into account in giving directions and making orders about the use of Generative AI in a particular proceeding; and
 - (c) when a person must verify, explain or disclose the use of Generative AI.
- 1.7 This Practice Direction does not apply to the extent that it is inconsistent with:
 - (a) a provision of the Act or another Act or instrument under which the Tribunal has powers to review decisions;
 - (b) a provision of a regulation made under the Act or another Act; or
 - (c) a provision of a rule made under the Act.
- 1.8 This Practice Direction should be read together with:

- (a) the *Administrative Review Tribunal (Common Procedures) Practice Direction 2026*; and
- (b) the *Administrative Review Tribunal (Expert Evidence) Practice Direction 2026*.

Note 1: If there is an inconsistency between the *Administrative Review Tribunal (Expert Evidence) Practice Direction 2026* and this Practice Direction, the former prevails to the extent of the inconsistency.

Note 2: If there is an inconsistency between the *Administrative Review Tribunal (Common Procedures) Practice Direction 2026* and this Practice Direction, this Practice Direction prevails to the extent of the inconsistency. Requirements for the translation of documents and for interpreters, including any requirements for a NAATI certified translation, are dealt with in the *Administrative Review Tribunal (Common Procedures) Practice Direction 2026*. This Practice Direction does not displace the requirements in that practice direction.

Note 3: The *Administrative Review Tribunal (Common Procedures) Practice Direction 2026* prohibits the use of cameras and audio or video recording or transmission devices (including an Artificial Intelligence (AI) agent) in Tribunal case events without the express permission of the Presiding Member or Registrar.

- 1.9 If the Tribunal makes a direction in relation to a proceeding that is inconsistent with this Practice Direction, the Tribunal's direction applies to that proceeding and this Practice Direction does not apply, to the extent of the inconsistency.
- 1.10 A failure by the Tribunal to comply with this Practice Direction does not affect the validity of anything done by the Tribunal.
- 1.11 Where Generative AI is used in way that is inconsistent with this Practice Direction, or with an order or direction of the Tribunal, all persons should expect that there may be consequences. The possible consequences will depend on the circumstances of the non-compliance, including its nature, seriousness and effect. The Tribunal may, for example:
 - (a) direct the person to correct, replace, or withdraw affected material, or to explain how Generative AI was used or how the material was checked;
 - (b) require further evidence or submissions, or direct a person to attend a hearing;
 - (c) give affected material less or no weight where the non-compliance affects its reliability; or
 - (d) decline to rely on affected material where its accuracy, source or reliability cannot reasonably be established.

Note: If the conduct of a legal or other professional representative may involve a breach of a professional obligation, the Tribunal may take any step available to it, including referring the matter to an appropriate regulatory body. A consequence of that kind is separate from any procedural or evidentiary consequence for a party or for the material before the Tribunal, and will usually be considered after the Tribunal makes a substantive decision in the relevant proceeding so that no party's case is adversely affected by the conduct of the representative.

Definitions

1.12 In this Practice Direction:

Act means the *Administrative Review Tribunal Act 2024*.

decision-maker has the same meaning as in section 14 of the Act.

certification means a written statement, provided to the Tribunal if required, certifying that the person has complied with the requirements for disclosure, explanation and verification in relation to the use of Generative AI, and identifying the person making the certification and the date on which it was made.

disclosure means telling the Tribunal that Generative AI was used.

explanation means being able to say, if asked, what Generative AI tool was used, how it was used and how the output was checked and by whom.

Generative AI means a system of artificial intelligence that is capable of generating ‘content’ (such as text, images, code, or sound) in response to prompts, and includes both open-source applications and closed-source applications.

Generative AI tool means a tool that enables the use of Generative AI.

NAATI means the National Accreditation Authority for Translators and Interpreters.

persons involved in proceedings in the Tribunal include parties; legal and other representatives of parties; litigation supporters; expert and non-expert witnesses; interpreters; translators; and persons (whether or not they are witnesses or third parties) who are required to produce documents to the Tribunal pursuant to a summons or any other direction or order of the Tribunal.

publicly available Generative AI tool means a Generative AI tool that is available for general public use.

privately available Generative AI tool means a Generative AI tool that is only available to a limited group of people and which may be available on a subscription basis.

Tribunal means the Administrative Review Tribunal.

Tribunal case event has the same meaning as in the Act.

verification means independently checking Generative AI-assisted material against the relevant facts, evidence, legal authorities, or other source material, as appropriate, before relying on it.

Part 2. Tribunal’s approach and expectations

- 2.1 The Tribunal embraces the beneficial use of technology in proceedings and in its wider operations.
- 2.2 The Tribunal recognises that Generative AI has the potential to assist the Tribunal to achieve its objective in section 9 of the Act, including by assisting to:
 - (a) resolve applications for review as quickly, and with as little formality and expense, as the proper consideration of each application permits; and

- (b) make the Tribunal more accessible and responsive to the diverse needs of parties to proceedings.
- 2.3 It is fundamental that Generative AI is used in Tribunal proceedings appropriately, responsibly and with due care, otherwise it poses risks to the proper performance of the Tribunal's functions and public trust and confidence in the Tribunal. In particular, the use of Generative AI must not undermine the Tribunal's objective in section 9 of the Act or, where relevant, the making of the correct or preferable decision in a proceeding.
- 2.4 The Tribunal's expectations concerning the use of Generative AI in connection with proceedings before the Tribunal are as follows:
- (a) Any person who uses Generative AI will have a basic understanding of its capabilities, limitations and risks.
 - (b) Any use of Generative AI must not adversely affect the administration of justice. This requires users of Generative AI to be guided by, and act in accordance with, their existing legal and professional responsibilities. It follows that there will be circumstances where it is inappropriate to use Generative AI.
 - (c) If the Tribunal requires it, a person must disclose to the Tribunal if (and how) Generative AI has been used in a proceeding and provide certification if requested.
 - (d) A person who uses Generative AI must verify Generative AI-assisted material and remains responsible for it, whether or not Generative AI was used to prepare it, as set out in Part 3.
 - (e) A person must be able to explain, if the Tribunal asks, how Generative AI was used in connection with a proceeding, including what was done to check the output.
 - (f) A person must not rely only on a Generative AI tool to verify that tool's own output.
- 2.5 The circumstances where a person must disclose the use of Generative AI are set out in this Practice Direction. However, the Tribunal may additionally require a person to disclose the use of Generative AI or provide certification in other circumstances where it considers it appropriate to require such disclosure or certification. Under section 79(1) of the Act, the Tribunal may, by order, give directions in relation to the procedure to be followed for a proceeding in the Tribunal.
- 2.6 Where disclosure or certification is required, it must be made as set out in this Practice Direction or subject to any direction or order made by the Tribunal. All persons involved in proceedings in the Tribunal are expected to be in a position to tell the Tribunal what Generative AI was used, how it was used and for what purpose.

Part 3. Specific instances where caution is necessary

- 3.1 To assist all persons to understand the Tribunal's expectations, Part 3 of this Practice Direction identifies areas where particular caution should be exercised before, or when, using Generative AI.
- 3.2 Part 3 focuses on instances where Generative AI presents more significant risks to the proper administration of justice. It is not an exhaustive statement of how legal and professional responsibilities ought to guide the use of Generative AI, or other forms of AI.

- 3.3 The obligations in Part 3 are directed to the use of Generative AI to create, alter, or translate material that is provided to the Tribunal. They do not extend to incidental outputs that result from the carrying out of ordinary research, such as an AI summary that a general search engine produces automatically, if the person does not materially rely on that output in preparing or presenting the material.

Statements of Facts Issues and Contentions, written submissions and other documents or information provided to the Tribunal

- 3.4 Users of Generative AI should know that the technology may create results that are not accurate, are entirely fictitious or are plainly wrong. For example, it may give users:
- (a) fictitious cases, citations or quotes, or references to legal sources that do not exist by reason of hallucinations or for any other reason;
 - (b) incorrect or misleading information about the law or how it might apply;
 - (c) factual errors; and
 - (d) confirmation that information is accurate when asked, even if it is not.
- 3.5 The presentation of false or inaccurate information to the Tribunal is unacceptable. It is inconsistent with the responsibility on all persons to not mislead the Tribunal or other parties. It is also likely to:
- (a) hamper the Tribunal's ability to achieve its objective in section 9 of the Act, including by frustrating the resolution of proceedings:
 - (i) fairly and justly; and
 - (ii) as quickly, and with as little formality and expense, as a proper consideration of the matters before the Tribunal permits; and
 - (b) hamper the Tribunal's ability to make the correct or preferable decision in relation to a proceeding.
- Note 1:** Section 56 of the Act requires all parties and their representatives before the Tribunal to use their best endeavours to assist the Tribunal to achieve its objective in section 9 of the Act. Additionally, section 56 requires the decision-maker and their representatives to use their best endeavours to assist the Tribunal to make the correct or preferable decision in relation to the proceeding.
- Note 2:** Decision-makers and their representatives must also comply with the *Legal Services Directions 2025* (where applicable).
- 3.6 Some documents filed in a Tribunal proceeding must contain the name of the person or the legal or other representative who was responsible for preparing the document and may require certification. If Generative AI tools have been used in the preparation of documents, the person responsible for the document must check, so far as relevant, that:
- (a) facts stated in an application for review or documents in support of an application for review are based on what the party reasonably considers can be proved and statements setting out the outcome sought from the Tribunal are based on proper legal principles;
 - (b) legal authorities cited in submissions exist and support the proposition stated;

- (c) evidence cited in submissions exists, is or will be in the materials before the Tribunal and is reasonably likely to be relevant and of assistance to the Tribunal, and references to that evidence are accurate and reliable;
- (d) statements about what the evidence proves are findings reasonably open for the Tribunal to make;
- (e) chronologies are accurate and reliable;
- (f) documents comply with any requirements in the Act, other applicable legislation and any applicable practice direction of the Tribunal; and
- (g) country information, research, and other external source material can be traced to an actual existing source that can be identified, located and reviewed.

Note: The Tribunal has issued the following practice directions: the *Administrative Review Tribunal (Common Procedures) Practice Direction 2026*; the *Administrative Review Tribunal (Child Support) Practice Direction 2026*; the *Administrative Review Tribunal (Freedom of Information) Practice Direction 2026*; the *Administrative Review Tribunal (Migration, Protection and Character) Practice Direction 2026*; the *Administrative Review Tribunal (Guidance and Appeals Panel) Practice Direction 2026*; the *Administrative Review Tribunal (Expert Evidence) Practice Direction 2026*; and the *Administrative Review Tribunal (Litigation Supporter) Practice Direction 2025*.

- 3.7 The list set out at subparagraphs (a) to (g) of paragraph 3.6 above is not exhaustive, and every person should take care to ensure their obligations have been met.

Statutory declarations, expert reports and other evidentiary materials

- 3.8 Witnesses, parties and their legal or non-legal representatives must be conscious of their obligations when employing any form of Generative AI to assist in preparing documents intended to represent evidence or opinion evidence.
- 3.9 Any use of Generative AI must be consistent with the requirement that when a person makes a statutory declaration or witness statement, they are representing that the document reflects their own recollection, knowledge, opinion and/or experience. The importance of preserving the integrity of evidence is underscored by criminal laws which prohibit falsifying, or interfering with, evidence. Accordingly, Generative AI must not be used to make up, exaggerate, change, or add to a person's evidence.
- 3.10 When an expert provides a report for use as evidence, they have an overriding duty to assist the Tribunal impartially on matters relevant to their area of expertise. An expert report should contain that expert's own opinion and process of reasoning. Experts have specific disclosure obligations under the *Administrative Review Tribunal (Expert Evidence) Practice Direction 2026*.
- 3.11 The use of Generative AI must be disclosed where Generative AI tools were used:
- (a) to summarise or analyse information upon which a witness relies to make a statement of fact or express an opinion;
 - (b) to translate a statutory declaration, witness statement or other document which is relied upon as evidence in a proceeding;

- (c) to create images, video recordings, sound recordings or other multimedia that are presented to the Tribunal, which should be clearly identified as having been produced using Generative AI in the highly special circumstances where the creation of such materials using Generative AI has been considered necessary for some purpose relevant to the proceedings before the Tribunal; or
- (d) in any other manner that might reasonably be expected to affect the relevance of that evidence or any document that is intended that the Tribunal will use or rely upon.

3.12 Where Generative AI has been used to translate a document that is relied upon in a proceeding, the disclosure should state, so far as known, what tool was used, whether the translation was checked by a person competent in both languages, whether any change was made after that check and whether the original document is available.

Note: Nothing in this paragraph effects any requirement under the *Administrative Review Tribunal (Common Procedures) Practice Direction 2026* for a NAATI certified translation.

3.13 Disclosure should occur prominently at or near the beginning of the document. It should state what Generative AI tool was used, where in the document it was used, and how the output was checked.

3.14 Where disclosure is required under this Practice Direction or by an order or direction of the Tribunal, the disclosure can be brief.

Note: Examples of adequate disclosure are:

- (a) 'A Generative AI tool (being [name of tool]) was used to translate parts of this statement and to improve its grammar. The statement has been reviewed and checked by [name].'
- (b) 'The submissions relating to case law have been developed using [name of AI tool]. The submissions have been reviewed and checked by [name].'
- (c) 'The chronology in this proceeding has been prepared using [name of AI tool] and has been reviewed and checked by [name].'

3.15 Disclosure helps avoid other parties and the Tribunal being misled about how evidence was prepared. Disclosure will enable the Tribunal to gather information about the use of Generative AI in its proceedings and assist the Tribunal to obtain information to use in reviews of this Practice Direction.

3.16 In a proceeding that is to be decided without a hearing, the Tribunal may require a party to disclose any use of Generative AI in preparing evidence or submissions where that use may affect the reliability, authenticity, or proper evaluation of the material. The disclosure should identify how the Generative AI tool was used, where in the material it was used and how the output was checked. In some circumstances the Tribunal may require certification.

Dealing with confidential or restricted information

3.17 If information is provided to a publicly available Generative AI tool, it may become available to other people. Users may not know where that information is stored, how it is used, or who will have access to it.

- 3.18 The law prohibits the disclosure of some information, or limits how it can be used by parties and their representatives. Examples include information that is:
- (a) the subject of Tribunal orders as to confidentiality, non-publication or non-disclosure;
 - (b) protected by legal professional privilege or other forms of privilege;
 - (c) subject to an implied obligation not to use the information for a purpose other than the purpose of the proceedings in which the information was obtained from another party or third person; or
- Note:** Examples of such information include:
- (a) documents produced under sections 23 and 25 of the Act;
 - (b) documents produced pursuant to a direction given by the Tribunal (including expert reports or witness statements); and
 - (c) documents produced in response to a summons issued by the Tribunal.
- (d) otherwise confidential or private, without the consent of the person to whom it is confidential or private.
- 3.19 Persons involved in proceedings in the Tribunal must carefully consider whether these restrictions apply to information before they input information into a Generative AI tool. The entry or use of such information in a way that does not accord with the obligations that apply to the use of that information must not occur. Persons involved in proceedings in the Tribunal must also be conscious that entering information into a ringfenced or privately available Generative AI tool may breach obligations (including the implied obligation referred to at paragraph 3.18 above) if outputs from the tool are later used for different purposes. There may be serious consequences for entering information into Generative AI tools, even if sharing that information was not intended.
- 3.20 A person must not enter confidential, private, privileged or otherwise protected information into a publicly available Generative AI tool unless satisfied that doing so is lawful, authorised, and consistent with every obligation that applies to the information.
- 3.21 A person must not enter confidential, private, privileged or otherwise protected information into a privately available Generative AI tool unless satisfied that the information will remain confidential and that appropriate safeguards are in place to ensure that the information cannot be shared.

Part 4. Link to resources that may be of assistance

- 4.1 Given the dynamic and constantly evolving nature of Generative AI, it is not practical to set out and update all relevant information in this Practice Direction. Persons involved in proceedings in the Tribunal may be assisted by the various resources for lawyers and non-lawyers that the Federal Court of Australia has identified in its *Use of Generative Artificial Intelligence Practice Note (GPN-AI)* dated 16 April 2026 to assist any person using Generative AI in connection with proceedings. The link to that practice note can be found [here](#).
- 4.2 The Tribunal may also publish on its website guides and checklists to assist persons involved in proceedings in the Tribunal.